



UNITED STATES PATENT AND TRADEMARK OFFICE

A

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,433	07/26/2001	Rick Allen Hamilton II	AUS920010556US1	7376
35525	7590	10/26/2005		
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380				
EXAMINER				
TRAN, QUOC A				
ART UNIT		PAPER NUMBER		
2176				

DATE MAILED: 10/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/915,433

Applicant(s)

HAMILTON ET AL.

Examiner

Quoc A. Tran

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9, 11-16, 18-21, 23 and 24 is/are rejected.
- 7) ☒ Claim(s) 5, 10, 17 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communication: filed 08/09/2005, with acknowledgement of original filing date of 07/26/2001.
2. Claims 1-24 are pending. Claims 1, 8, 11-13, 20 and 23-24 are independent claims.

Allowable Subject Matter

3. Dependent claims 5, 10, 17 and 22 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Argument

4. In view of the Appeal Brief filed on 08/09/2005, PROSECUTION IS HEREBY REOPENED.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193 (b) (2).

5. Applicant's arguments, in the filed Appeal Brief on 08/09/2005 with respect to claim 1-24 have been considered but are moot in view of the new ground(s) of rejection. This office action is a Non-Final Rejection in order to give the applicant sufficient opportunity to response to the new line of rejection.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-4, 6-9, 11-16, 18-21 and 23-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. US 20020129014A1 – filed 01/10/2001 (hereinafter Kim '014), in view of Law et al. US Patent No. 6,754,873 B1 - filed 04/06/2000 (hereinafter Law '873).

In regard to independent claim 1, receiving at least one user interest term (Kim '014 at page 2 paragraph [0014], discloses a search engine produces result to keyword queries) Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein user interest term would have been an obvious variant of keyword queries, to a person of ordinary skill in the art at the time the invention was made,

identifying associative terms, wherein associative terms are associated with the at least one user interest term (Kim '014 at page 2 paragraph [0014], discloses a search engine produces result to keyword queries) Examiner read the above in the broadest reasonable

Art Unit: 2176

interpretation to the claim limitation, wherein user interest term would have been an obvious variant of keyword queries, to a person of ordinary skill in the art at the time the invention was made,

weighting the associative terms in response to an identification of the associative terms to form a set of weighted associative terms base on specified probabilities that the associative terms are relative to the at least one user interest term (Kim '014 at page 2 paragraph [0014], and also Kim '014 at page 3 paragraphs [0031] through [0035], also see Fig. 3, discloses how the ranker (item 30) determines the relevancy of a page by combine the intrinsic rank and extrinsic rank based on scores of a multi-keyword query and the ranking score can bases on using the entire set of a hypertext pages and/or a subset based on topic or the like, Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein weighting the associative terms would have been an obvious variant of ranking based on scores of a multi-keyword query and the ranking score can bases on using the entire set of a hypertext pages and/or a subset based on topic or the like and base on specified probabilities that the associative terms are relative to the at least one user interest term would have been an obvious variant of intrinsic rank and extrinsic rank based on scores of a multi-keyword query and the ranking score can bases on using the entire set of a hypertext pages and/or a subset based on topic or the like , to a person of ordinary skill in the art at the time the invention was made,

processing a plurality of Web pages using the set of weighted associative terms to generate a plurality of cumulative ratings in which each Web page within the plurality of Web pages has a cumulative rating wherein the cumulative rating for a particular Web page within the plurality of Web pages is based on the set of weighted associative terms

(Kim '014 at page 2 paragraph [0023] though page 3 paragraph [035], also see Fig. 1 and Fig. 3, discloses a search engine (item 10), which includes a crawler (item 12) to fetch pages from the web (item 13), wherein in Fig. 3 illustrating how the ranker (item 30) determines the relevancy of a page by combine the intrinsic rank and extrinsic rank based on scores of a multi-keyword query and the ranking score can bases on using the entire set of a hypertext pages and/or a subset based on topic or the like and defines the page weight, link weight and detail calculation of hoe to formulating the intrinsic rank and extrinsic rank based on scores of a multi-keyword query and the ranking score , Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein weighting the associative terms would have been an obvious variant of ranking based on scores of a multi-keyword query and the ranking score can bases on using the entire set of a hypertext pages and/or a subset based on topic or the like and a cumulative rating would have been an obvious variant of page weight and link weight , to a person of ordinary skill in the art at the time the invention was made,

Kim '014 does not explicitly teach, **selecting the Web page as a Web page having a selected cumulative rating greater than a threshold**, however (Law '873 at col. 7, lines 10-35, discloses the way of selecting the web page based on the page score threshold) Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein cumulative rating would have been an obvious variant of page score, to a person of ordinary skill in the art at the time the invention was made.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Kim '014, that discloses a search engine of receiving and retrieving at least one user interest term wherein associative terms are associated with the at

Art Unit: 2176

least one user interest term weighting the associative terms in response to an identification of the associative terms to form a set of weighted associative terms base on specified probabilities that the associative terms are relative to the at least one user interest term and processing a plurality of Web pages using the set of weighted associative terms to generate a plurality of cumulative ratings in which each Web page within the plurality of Web pages has a cumulative rating wherein the cumulative rating for a particular Web page within the plurality of Web pages is based on the set of weighted associative terms, to includes a means of selecting the Web page as a Web page having a selected cumulative rating greater than a threshold of Law '873. One of the ordinary skills in the art would have been motivated to perform such a modification to provide a word-based search engines, which could allowed users to enter words, phrases, and other search criteria so that the search engine can retrieve the hyperlinked documents that best match the user's search criteria with great flexibility, as taught by (Law '873 at col. 1, lines 35-40).

In regard to independent claims 8, 11, 12, 13, 20, 23 and 24, incorporate substantially similar subject matter as cited in claim 1 above, and further view of the following, and is similarly rejected along the same rationale,

a bus system; a communications unit connected to the bus system; a memory connected to the bus system, wherein the memory includes a set of instructions; and a processing unit connected to the bus system (Kim '014 at page 7 paragraph [0098], discloses A computer-implemented method of ranking the relevancy of a collection of hypertext pages to a keyword-based query) Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein a bus system; a communications unit connected to the bus system; a

Art Unit: 2176

memory connected to the bus system, wherein the memory includes a set of instructions; and a processing unit connected to the bus system would have been an obvious variant of a computer, to a person of ordinary skill in the art at the time the invention was made.

In regard to dependent claims 2, 3, 7, 9, 14, 15, 19 and 21 incorporate substantially similar subject matter as cited in claim 1 above, and are similarly rejected along the same rationale,

In regard to dependent claims 4 and 16, the method is implemented in a browser program (as described by Kim '014 at page 1 paragraph [0004]).

In regard to dependent claims 6 and 18, data structure is a database (as described by Kim '014 at page 2 paragraph [0023]).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Wolf et al. Optimal Crawling Strategies for Web Search Engines - Published 05/7-11/2002

Page US006285999B1 filed 01/09/1998

Pitkow et al. US006457028B1 filed 09/29/1999

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc A. Tran whose telephone number is (571) 272-4103. The examiner can normally be reached on Monday through Friday from 9 AM to 5 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Herndon R. Heather can be reached on (571) -272-4136. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Quoc A. Tran
Patent Examiner
Technology Center 2176
October 18, 2005

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
10/24/2005